

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

| | | |
|---------------------------|---|---------------------------|
| United States of America, |) | CRIMINAL NO. 3:02-548-CMC |
| |) | |
| v. |) | OPINION and ORDER |
| |) | |
| Tanesha Bannister, |) | |
| |) | |
| Defendant. |) | |
| |) | |

This matter came before the court for an evidentiary hearing on April 12, 2012. Defendant was present and represented by counsel. Defendant testified and the Government presented three (3) witnesses. Both parties also introduced documentary evidence. For the reasons stated in this court's oral ruling on April 12, 2012, all three of Defendant's claims in her § 2255 motion, all relating to alleged ineffectiveness of counsel, are rejected and denied.

The Government's Motion for Summary Judgment is **granted**. The motion under 28 U.S.C. § 2255 is *denied with prejudice*. The Clerk shall re-enter Judgment in favor of the United States.

CERTIFICATE OF APPEALABILITY

The governing law provides that:

(c)(2) A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.

(c)(3) The certificate of appealability . . . shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

28 U.S.C. § 2253(c). A prisoner satisfies this standard by demonstrating that reasonable jurists would find this court's assessment of his constitutional claims is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. *See Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676,

683 (4th Cir. 2001). In this case, the legal standard for the issuance of a certificate of appealability has not been met. Therefore, a certificate of appealability is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie

CAMERON McGOWAN CURRIE

UNITED STATES DISTRICT JUDGE

Columbia, South Carolina

April 17, 2012